

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF THE MINNESOTA DEPARTMENT OF ADMINISTRATION

In the Matter of the Appeal of the  
Determination of the Responsible  
Authority for the Wright County  
Human Services Agency that Certain  
Data Concerning Mrs. Phoebe Stein and  
Mr. Robert Riel is Accurate and/or  
Complete.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND RECOMMENDATION.

The above-entitled matter came on for hearing before Administrative Law Judge Peter C. Erickson at 9:30 a.m. on Thursday, March 19, 1992, in the Wright County Government Center, Buffalo, Minnesota.

Brian Asleson, Assistant Wright County Attorney, Wright County Government Center, 10 N.W. Second Street, Buffalo, Minnesota 55313-1193, appeared on behalf of Wright County Human Services, the Respondent herein. The Petitioners, Phoebe Stein and Robert Riel, Route 1, P.O. Box 457, Waverly, Minnesota 55390, did not appear at the hearing. The record on this matter closed on April 3, 1992, after receipt of a late-filed affidavit of service from the Department of Administration.

Notice is hereby given that, pursuant to Minn. Stat. 14.61 the final decision of the Commissioner of Administration shall not be made until this Report has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Commissioner of Administration. Exceptions to this Report, if any, shall be filed with the Commissioner of Administration.

STATEMENT OF ISSUE

The issue to be determined in this proceeding is whether private data maintained by the Wright County Human Services Agency concerning the Petitioners is accurate and complete within the meaning of Minn. Stat. 13.04.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. A Notice of and Order for Hearing was issued by the Minnesota Department of Administration dated February 3, 1992, and served on the Petitioners by first class mail on February 4, 1992.

The Petitioners did not file a Notice of Appearance as required by Minn. Rule 1400.5700 and they did not contact the Judge in any manner with respect to their non-appearance in this case.

3. This case results from a petition filed by Ms. Stein and Mr. Riel dated December 8, 1991, contesting the accuracy and completeness of private data maintained by Wright County Human Services concerning an incident which occurred on June 3, 1991, and the investigation resulting therefrom.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

#### CONCLUSIONS

1. The Administrative Law Judge and the Commissioner of Administration have jurisdiction in this matter pursuant to Minn. Stat. 14.50 and 13.04. The Notice of Hearing was proper in all respects and the Department of Administration has complied with all procedural and substantive requirements of law and rule.

2. Pursuant to Minn. Rule 1400.7300, Subp. 5, the burden of proof in this matter is upon the Petitioners to show the inaccuracy or incompleteness of data maintained by Wright County Human Services.

3. The Petitioners, having made no appearance in this matter, are in default. Pursuant to Minn. Rule 1400.6000, the Judge may dispose of a contested case adverse to a party which defaults.

4. It is appropriate that the Petition filed by the Petitioners herein be dismissed.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

#### RECOMMENDATION

It is respectfully Recommended that the Commissioner of Administration dismiss the petition filed by Phoebe Stein and Robert Riel.

Dated this 3rd day of April, 1992.

PETER C. ERICKSON  
Administrative Law Judge

Reported: Default

NOTICE

Pursuant to Minn. Stat. 14.62, Subd. 1, the agency is required to  
serve  
its final decision upon each party and the Administrative Law Judge by  
first  
class mail